

HB 95 -- COLLATERAL SOURCE RULE

SPONSOR: McGaugh

This bill specifies that special damages claimed by the plaintiff at trial that have been satisfied by a payment from a defendant, the defendant's insurer, or authorized representative prior to trial are not recoverable. The defendant is entitled to deduct such payments toward special damages from any judgment as provided in current law.

Parties may introduce evidence of the actual cost, rather than the value, of the medical care or treatment to the plaintiff. The bill repeals a provision of law which provides that there is a rebuttable presumption that the value of the medical treatment provided is represented by the dollar amount necessary to satisfy the financial obligation to the health care provider. The actual cost of the medical care or treatment cannot exceed the dollar amounts paid by or on behalf of a patient whose care is at issue plus any remaining amount necessary to satisfy the financial obligation for medical care by a health care provider after adjustment for any contractual discounts, or price reduction.

This bill is similar to SS No. 2 SB 847 (2016).